

FILED
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U.S. DISTRICT COURT E.D.N.Y.

MEMORANDUM
TO THE HONORABLE DENIS R. HURLEY
SENIOR UNITED STATES DISTRICT JUDGE

★ **AUG 10 2006** ★

LONG ISLAND OFFICE
RE: TOUSSIE, ISAAC
Docket No. : 00-CR-20, 02-CR-1356
Request For Early Termination

Reference is made to the above-named individual who was sentenced by Your Honor on September 22, 2003, following a conviction for Making False Statements to the U.S. Department of Housing and Urban Development in violation of 18 U.S.C. 1001(a)(3). The offender was sentenced to five (5) months custody, three (3) years supervised release, and a \$200 special assessment fee. The following special conditions were also imposed 1) a \$10,000 fine, and 2) five (5) months home detention with electronic monitoring. The offender is scheduled to terminate from supervised release on May 13, 2007.

The offender has been on supervision since May 14, 2004, and since commencement of same, he has complied with all general and special conditions of supervision as ordered by the Court. Specifically, as verified by the Financial Litigation Unit for the Eastern District of New York, he satisfied all financial obligations in full. The purpose of this memorandum is to seek the Court's approval for early termination of supervision as requested by the offender. The offender is currently being supervised by the Southern District of New York; it is their opinion that continued supervision would offer little benefit to the community or to the rehabilitation of the offender. During a conversation with AUSA Geoffrey Kaiser, he reminded our department that Your Honor denied the initial request for early termination in August 2005, and stated that he continues his objection to granting early termination to the offender.

As the Court is aware, early termination is controlled by statute, case law, and policy matters. With regard to statute, felony probation and supervised release cases are subject to 18 U.S.C. 3564 (c) and 18 U.S.C. 3583 (e)(1) respectively; and the general provisions of 18 U.S.C. 3553 (a). Case law in this Circuit regarding early termination of supervision falls under U.S. v Lussier, 204 F.3d 32, 36 (2d Cir. 1997), and U.S. v Sheckley, 129 F.3d. 114 (2d Cir. 1997). Finally, the policy factor which influences early termination results from recent directives from the Judicial Conference Criminal Law Committee and Administrative Office of the U.S. Courts. In this regard, the Criminal Law Committee has directed early termination of supervision as the recommended and favored policy for appropriate probation and supervised release offenders. It should be noted, however, that some but certainly not all of the underpinnings to this policy are budget driven and part of the overall federal judiciary's "cost containment" program.

Predicated on the entirety of this case, as well as each of the factors which control early termination of supervision, the Probation Department respectfully recommends that Your Honor grant our request for early termination of supervision of the offender for the reasons set forth above.

RESPECTFULLY SUBMITTED:

TONY GAROPPOLO
CHIEF U.S. PROBATION OFFICER

TOUSSIE, ISAAC
00-CR-20, 02

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Michelle Staffa
U.S. Probation Officer

Approved by: Robert Cardinal
Robert Cardinal
Supervising U.S. Probation Officer

August 2, 2006
Central Islip

Terminate From Supervision: _____
Senior U.S. District Judge Date

Other Directives
of the Court: _____
Senior U.S. District Judge Date